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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,685	03/05/2002	Alfred Thomas	2100/24	8496

7590 07/02/2004

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/090,685	Applicant(s) THOMAS ET AL.	
	Examiner Vishu K Mendiratta	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 and 50-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-48, 50-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 25, 27,28,29-46, 50-51 rejected under 35 U.S.C. 102(b) as being anticipated by Walker (6,174,235).

Walker teaches a display (16), an operating system having a processor (12) effecting a game of chance (col.4, lines 18-21), a memory (14), an input device (18), a payout device (22), displaying a plurality of game element locations (112), a limited number of game locations selected by a player (abstract lines 7-9), randomly determining elements at selected locations (abstract lines 11-16), determining payouts (col.6, lines 26-28). Walker teaches game machine as slot machine (74), award based on aggregate number of matching indicia (col.8, lines 50-57), game locations in rows and columns (Fig.5), game being a slot machine kind (col.5, lines 55-65).

Newly added limitation\$ "one of a set of element indicia" is taught by Walke rin reference character group 102-110. Possibility of an indicia not being determined by the random process is clearly taught in Fig.4,wherein \$50 indicia is not selected by the random process.

2. Claims 25,27,28,29-46,50-51 rejected under 35 U.S.C. 102(b) as being anticipated by Feola (6,149,156).

Feola teaches an operating system (col.5, lines 35-37), displaying selectable locations (Fig.1), selecting a limited number of locations (col.5, lines 30-32), random assignment of game elements on selected locations (col.6, lines 16-21), matching and determining payouts according to number of matching (col.6, lines 22-25).

Claim Rejections - 35 USC § 103

3. Claims 26,47-48,52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker.

Walker teaches all limitations of these claims except that it does not expressly indicate reels at each location for elements.

While some people like to play computer games others like to play conventional reel type games. In order to make the game available for people who like to play conventional type games, it would have been obvious to use reels instead of electronic screens. One of ordinary skill in art at the time the invention was made would have suggested selecting locations in a conventional environment with reels as in slot machine.

Response to Arguments

4. Applicant's arguments filed ^{4/2/04} ~~10/20/03~~ have been fully considered but they are not persuasive.

Newly added limitations "one of a set of element indicia" is taught by Walker in reference character group 102-110. Possibility of an indicia not being determined by the random process is clearly taught in Fig.4 wherein \$50 indicia is not selected by the random process.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (703) 306-5695. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vishu K Mendiratta

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A handwritten signature in black ink, consisting of a stylized 'J' followed by a long, sweeping horizontal line that extends to the right.

Primary Examiner
Art Unit 3712

VKM

July 1, 2004